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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,673	10/24/2006	Hanno Syrbe	P3652US00	3683

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/538,673	Applicant(s) SYRBE ET AL.	
	Examiner KIET DOAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,24-31,33-40 and 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,24-31,33-40 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant Remarks filed on 11/17/2009.
Claims 1-4, 6-9, 24-31, 33-38 and 40 are amended.
Claim 32 is canceled.
Claim 62 is new.

Response to Arguments

2. Applicant's arguments filed 11/17/2009 have been fully considered but they are not persuasive.

Applicant's argument with respect to claim 1 is that the combination of prior art does not disclose "**requesting** the geographical position of an object via a cellular network based connection, directly from said object if the object is capable of communicating with the mobile communication terminal and is aware of geographical position of the object" and moreover, there is no disclosure of "a cellular network".

The examiner respectfully disagrees for several reasons. Firstly, the examiner must give each claim its broadest, reasonable interpretation.

1). Rock et al. clearly teaches the method that provide database for the vehicle 9 of location/position of speed trap (object) wherein the driver of vehicle 9 **requesting** the database of a new speed trap (object) of location/position that added on the road, as fig. 1 show the speed trap 5, 6 (object) as pointing to record speeding of vehicle 9 as read on directly from said object if the object is capable of communicating with the mobile communication terminal wherein the vehicle contain warning unit 11 that aware the

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location/position of the speed trap 5 and 6 (object) (see paragraphs [0018-0019], [0055], [0151-0152]).

2). Rock et al. further teaches the communication transmitting to the vehicle 9 which contain mobile phone 61 via mobile telecommunication network 81, that is the mobile telecommunication network 81 is a cellular network (see paragraphs [0151], fig.8 show mobile telecommunication network 81 as read on a cellular network).

Applicant's argument with respect to claim 7 is that the combination of prior art does not reject "a receiver configured to receive a geographical location **directly from an object**"

The examiner respectfully disagrees, Rock et al. teaches vehicle 9 equipped with speed trap detection and warning unit 11 that detected/received the signal/radar/laser gun of the speed trap 5 and 6 (object) that **pointing directly** to the vehicle for recording the speed of vehicle 9 (see paragraph [0055], fig.1 Illustrate).

Applicant's argument with respect to claim 24 is that the combination of prior art does not disclose any "cellular network"

The examiner respectfully disagrees, Rock et al teaches the vehicle 9 equipped with speed trap detection and warning unit 11 wherein the unit 11 use the signal from satellites 7 GPS system to determine its position, speed and direction. That is, it would lead to one skilled to understand wireless communication between vehicle 9 with satellite 7 is a "cellular network".

Applicant's argument with respect to claim 6 is that the combination of prior art does not disclose "prompting for user acceptance before said object replies a request to send its geographical position"

The examiner respectfully disagrees, Rock et al teaches the vehicle 9 **requesting** the database of a new speed trap (object) of location/position that added on the road, that is the vehicle entitle to received such update, therefore Rock teaches prompting for user acceptance before said object replies a request to send its geographical position" (see paragraphs [0018-0019], [0081]).

Applicant's argument with respect to claim 10 is that the combination of prior art does not disclose "wherein GDDA attaches geographic position information to entries in an address book or phone book stored on the mobile communication terminal"

The examiner respectfully disagrees, the tern/phrase "geographic distance and direction application (GDDA) is a design choice of using tern/phrase. Rock et al. clearly teaches the mobile telephone 61 contain GPS receiver 41 for receiving GPS signal from satellite 7 as read on GDDA, further teaches the mobile telephone attaches to the dashboard of vehicle 9, wherein the mobile telephone connected to database 55 for **loading and storing** the update information about speed trap 5 and 6. Fig.8 show mobile telephone contains memory 71 for loading/entries and stored on the mobile telephone (see paragraphs [0055-0056], [0125-0127], Fig.8).

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Applicant's argument with respect to claim 30 is that the combination of prior art does not disclose "a display to show the travel path as a two dimension graphical representation on the map".

The examiner respectfully disagrees, Rock et al. clearly teaches the mobile telephone 61 contain display 65 that displaying the current speed that the vehicle approaching the speed trap which broadly read display travel path (see paragraphs [0109-0110]).

For the above reasons the same prior art rejections are maintained as repeated below.

Applicant's arguments and amended with respect to claims 31, 34-37, 40 and 62 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-8, 10, 24-27 and 33 are rejected under 35 U.S.C. 102 (e) as being anticipated by Rock et al. (US 2003/0052797 A1).

Consider **claim 1**. Rock teaches a method comprising:

a) determining a geographical position of a mobile communication terminal through cell identification or a more sophisticated cellular network based positioning method (Paragraphs [0055], [0061], Fig.1 and Fig.3 illustrate and teach satellite 7 as cell identify the location/position/direction of vehicle 9 carrying a mobile device 61),

b) requesting the geographical position of an object via a cellular network based connection, either directly from said object if the object is capable of communicating with the mobile communication terminal and is aware of geographical position of the object (Paragraphs [0018], [0055], [0151-0152] teach "speed trap" is read on "object" wherein the mobile phone 61 requesting/receiving the location/position of "speed trap/object")

c) sending the requested geographical location via a cellular network based connection to the mobile communication terminal in response to said request (Paragraphs [0072], [0081], Fig.8 show remote database 55 sending location/position of speed trap/object to mobile phone 61), and

d) comparing the geographical position with the received geographical position and determining the distance and direction to the received geographical position (Paragraphs [0012-0134], [0056], [0091-0092] teach mobile phone comparing it's own location with storage data received from database 55).

Consider **claims 2 and 33**. Rock teaches a method according to claim 1, in which said mobile communication terminal uses, when available, enhanced observed time different (E-OTD) instead of cell identification for determining its geographical

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position (Paragraphs [0162] teach determine location using Enhanced Observed Time Difference EOTD).

Consider **claim 3**. Rock teaches a method according to claim 1, in which said request and/or geographical position are sent in a text message or a multimedia message, wherein the text message or the multimedia message comprises a short messaging service (SMS), multi-media messaging service (MMS), wireless application protocol (WAP) or extensible hypertext markup language (XHTML) (Paragraphs [0018-0019], [0124], [0128], Fig.7, No.65 show display text message).

Consider **claim 4**. Rock teaches a method according to claim 1, in which said object or said terminal includes accuracy information of the sent geographical position (Paragraph [0061], [0127], Fig.8, GPS No.41).

Consider **claim 5**. Rock teaches a method according to claim 4, in which said mobile communication terminal determines the accuracy of said determined distance and direction (Paragraph [0061], [0093], [0134] teach determined direction travel, speed and distance).

Consider **claim 6**. Rock teaches a method according to claim 1, further comprising prompting for user acceptance before said object replies to a request to send its geographical position (Paragraph [0018-0019], [0081])

Consider **claims 7 and 24**. Rock teaches a mobile communication terminal for use in a cellular network (Fig.13, No.81) comprising a receiver configured to receive a geographical location directly from an object (paragraph [0055], Fig.1, show as vehicle 9 received directly radar signal from speed trap 5 and 6), detector configured to determine the geographical position of the mobile communication terminal (Paragraphs [0055], [0061], [0134] teach GPS satellite 7 as configured location/position of mobile device), and a geographical distance and direction application (GDDA) configured to calculate the distance between said received geographical location and the geographical position of the mobile communication terminal (Abstract, Paragraph [0055-0056], [0158], [0160-0164]) teach using satellite and/or base station to calculate and determined location/position of mobile device/vehicle 9).

Consider **claims 8 and 26**. Rock teaches a mobile communication terminal according to claim 7, wherein the GDDA further determines in which direction the received direction geographical location is relative to the geographical position of the mobile communication terminal (Paragraphs [0055-0056], Fig.1, No.7).

Consider **claim 10**. Rock teaches a mobile communication terminal according to claim 7, wherein the GDDA attaches geographical position information to entries in an address book or phonebook stored on the mobile communication terminal (paragraphs

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[0055-0056], [0125-0127], Fig.8, show mobile telephone 61 contain function of memory 71 or working memory 51).

Consider **claim 25**. Rock teaches a mobile communication terminal according to claim 24, further comprising a geographical distance and direction application (GDDA) configured to calculate a distance traveled by said mobile communication terminal (Paragraph [0055-0056], [0158], [0160-0164]) teach using satellite and/or base station to calculate and determined location/position of mobile device/vehicle 9)

Consider **claim 27**. Rock teaches a mobile communication terminal according to claim 24, wherein a user resets and/or starts tracker (Paragraph [0018-0019], [0080-0081] teach user update new database as read on reset and or star tracking the speed trap).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 28-30, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rock et al. (US 2003/0052797 A1) in view of Endo et al. (US 2002/0011941 A1).

Consider **claims 9 and 28-29**. Rock teaches a mobile communication terminal according to claim 7 and 24, but is silent on further comprising a display for displaying geographical positions as geographical coordinates.

In an analogous art, Endo teaches further comprising a display for displaying geographical positions as geographical coordinates (Paragraph [0068], Fig. 1 teach display geographical location). It would have been obvious at the time that the invention was made to modify Rock with Endo's system, such that a display for displaying geographical positions as geographical coordinates in order to provide to the user to see the exact and accurate current location of mobile device.

Consider **claim 30**. Rock teaches a mobile communication terminal according to claim 24, further Endo teaches comprising a display to show the traveled path as a two dimensional graphical representation, on a map (paragraph [0068], Fig. 1, no. 101)

Consider **claim 38**. Rock teaches a mobile communication terminal according to claim 26, **but is silent on** further comprising means for displaying the horizontal north relative to the last traveling direction, whereby the horizontal north preferably is displayed by a arrow pointing north when the display is oriented horizontally and the top of the display is directed in the last traveling direction.

In an analogous art, **Endo teaches** further comprising means for displaying the horizontal north relative to the last traveling direction, whereby the horizontal north preferably is displayed by a arrow pointing north when the display is oriented

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horizontally and the top of the display is directed in the last traveling direction (Abstract, Paragraph [0019], claim 39 teach displaying bird's eye view as read on horizontal North).

Therefore, it would have been obvious at the time that the invention was made to modify Rock with Endo's system such that displaying horizontal north relative to the last traveling direction in order to provide simple clear vision for the user identify his/her position/location.

Consider **claim 39**. The combination of Rock and Endo a mobile communication terminal according to claim 38, Endo further teaches in which the actual position of the sun relative to the horizontal north is shown in the display (Paragraph [0021] teach displayed by bird's eye view as read on sun relative to the horizontal north is shown in the display).

7. Claims 31 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Rock et al. (US 2003/0052797 A1) in view of Wong (US 2004/0204845 A1).

Consider **claims 31**. Rock teaches a mobile communication terminal according to claim 24, **but is silent on** wherein the tracker determines the accumulated traveled distance.

In an analogous art, **Wong teaches** wherein the tracker determines the accumulated traveled distance (Paragraphs [0011-0014], teach step of determined the shortest distance as tracker and fig.2b display the total miles to destination as read on

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accumulated traveled distance). It would have been obvious at the time that the invention was made to modify Rock with Wong's system, such that the tracker determines the accumulated traveled distance in order to provide to the user with an accurate total distance/miles need to travel.

8. Claims 34-37, 40 and 62 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Rock et al. (US 2003/0052797 A1) in view of Bullock et al. (US 6,810,323 B1).

Consider **claim 34**. Rock teaches a mobile communication terminal according to claim 24, **but is silent on** in which the geographical position of the communication terminal at selected waypoints is sent to a server connected to the cellular network, for later retrieval and display on a geographical map on another terminal.

In an analogous art, **Bullock teaches** in which the geographical position of the communication terminal at selected waypoints is sent to a server connected to the cellular network, for later retrieval and display on a geographical map on another terminal (Abstract, Col.2, lines 45-63, Col.3, lines 18-35). It would have been obvious at the time that the invention was made to modify Rock with Bullock's system, such that the communication terminal at selected waypoints is sent to a server connected to the cellular network, for later retrieval and display on a geographical map on another terminal in order to provide the convenient to the user with the accurate location/position that he would like to received.

Consider **claim 35**. Rock teaches a mobile communication terminal according to claim 24, further Bullock teaches in which a predetermined route is stored, as waypoints, wherein said tracker track the actual route followed by said terminal and compares the actual route with the predetermined route (Paragraph [0013], [0017]).

Consider **claims 36 and 37**. Rock teaches a mobile communication terminal according to claim 35, further Bullock teaches comprising a transmitter configured to send a message to a server and/or notify the user of the terminal when the actual route of the mobile communication terminal matches/does not match the predetermined route (Paragraphs [0060], [0077], [0088]).

Consider **claim 40**. Rock teaches a mobile communication terminal according to claim 35, further Bullock teaches comprising a display configured to display the distance and direction to one of a waypoints of the route (Fig.2a and Fig.2b).

Consider **claim 62**. Bullock teaches a mobile communication terminal according to claim 40, further Bullock teaches wherein the one of the waypoints is the start point of the route (Fig.2A).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617